REMARKS

This is a complete response to the outstanding final Office Action mailed June 2, 2005. Upon entry of the enclosed claim amendments, claims 16-27 remain pending in the present application. Applicant appreciates the Examiner's indication that all of the pending claims are allowable over the art of record.

When rejecting a claim under the enablement requirement of Section 112, the Patent Office bears the burden of setting forth a reasonable explanation as to why it believes that the scope of protection provided by the claim is not adequately enabled by the description of the invention provided in the specification of the application; this includes of course, providing sufficient reasons for doubting any assertions in the specification as to the scope of enablement. In re Wright, 999.F.2d 1557, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993).

To establish a prima facie case the Examiner must provide with respect to the disclosure of the patent application:

1. A rational basis as to why the disclosure does not teach or why the objective truth of the statements in the disclosure do not purport to teach:

2. the manner and process of making and using the invention,

See Staehlin v. Secher, 24 USPQ2d 1513, 1516 (B.P.A.I. 1992).

3. that corresponds in scope to the claimed invention, See In re Moore, 439 F.2d 1232, 169 USPQ 236, 238-39 (C.C.P.A. 1971),

4. to one of ordinary skill in pertinent technology, See In re Naquin, 398 F.2d 863, 158 USPQ 317 (C.C.P.A. 1968),

5. without undue experimentation, Hildreth v. Mastras, 257 U.S. 27, 34 (1921); and

6. dealing with subject matter that would not already be known to the skilled person as of the filing date of the application, In re Howarth, 654 F.2d 103, 210 USPQ 689 (C.C.P.A. 1981).

Applicant has previously stated which portion of the claimed invention is new and which portions were publicly known or used prior to the filing date of the application. Applicant also has filed a Declaration under 37 CFR § 1.132 of Eyal Ben-Chanoch, an article released in June 1999 by Tern Systems, and the Bayless patent herein as illustrative of the known prior art. Accordingly, Applicant respectfully submits that the CCPRO and other switching devices are in the conventional art and are known to one of ordinary skill in the relevant art, namely in the art of telephony and contact center switching and contact handling.

The Patent Office has not identified why the disclosure does not teach or why the objective truth of the statements in the disclosure do not purport to teach the manner and process of making and using the invention. The Patent Office has not identified the aspects that do not teach that correspond in scope to the claimed invention. Therefore, the rejections of claim 16-27 under 35 U.S.C. § 112, 1st paragraph, is improper. Applicant respectfully requests reconsideration and withdrawal of the claim objections.

The Applicant traverses all of the objections of the Office Action. Applicant presents aspects of the application that have been publicly known prior to filing of this application and aspects the Applicant regards as the invention. Applicant appreciates the Examiner's review of the above-identified patent application and respectfully requests reconsideration and allowance in view of the above remarks.

CONCLUSION

In light of the foregoing comments and for at least the reasons set forth above, Applicant respectfully submits that all objections have been traversed, rendered moot and/or accommodated,

and that presently pending claims 16-27 are in condition for allowance. Applicant has responded to all of the Examiner's requests. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. The examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

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